

Honolulu, Hawaii

APR 04 2014

RE: H.B. No. 2246
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred H.B. No. 2246, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to promote state compliance with federal firearm regulations by:

- (1) Providing for a court-based program for persons federally prohibited from owning a firearm based on a finding of mental illness or civil commitment whereby the persons may petition for relief from the federal firearm prohibitor; and
- (2) Requiring courts to provide information relating to involuntary civil commitments to the Hawaii Criminal Justice Data Center for use by law enforcement officials for firearms permitting or registration and for submission to the Federal Bureau of Investigation National Instant Criminal Background Check System (NICS) database for gun control purposes.

Your Committees received testimony in support of this measure from the Department of the Attorney General, Hawaii Rifle Association, Hawaii members of the National Rifle Association, and twenty-two individuals. Your Committees received comments on this measure from two individuals.



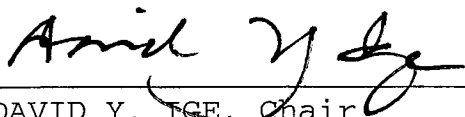
Your Committees find that NICS is a federal database that uses information provided by states to identify individuals who are federally prohibited from possessing a firearm. Your Committees further find that Hawaii currently does not provide information on adjudicated civil commitments to NICS because state law prohibits the disclosure of this information. This measure will promote public safety and individual rights by permitting the courts to share information with law enforcement agencies responsible for approving requests for firearm permits and registrations and also by contributing information to the national database in order to promote gun control and public safety throughout the nation.

Your Committees have amended this measure by:

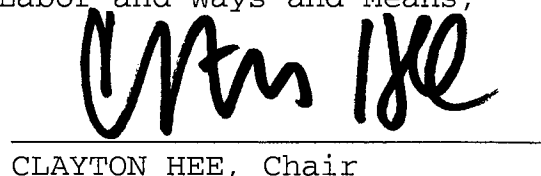
- (1) Adopting the language suggested by the Hawaii Rifle Association to change the standard of proof from clear and convincing to preponderance of the evidence for a petitioner to prove that the petitioner will not be likely to act in a manner dangerous to public safety and the granting of relief will not be contrary to public interest in order for the court to grant a petition for relief; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2246, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2246, H.D. 1, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



DAVID Y. IGE, Chair



CLAYTON HEE, Chair




Record of Votes
Committee on Judiciary and Labor
JDL

*Only one measure per Record of Votes

The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2246 HD1	HTH/PSM, JDL/WAM	4-1-14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani	✓			✓
ESPERO, Will				
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
	11	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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